PUBLIC NOTICE

Notice to Water Users (Pursuant to Section 85-2-307, MCA)

The following application has been submitted to appropriate water in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION FOR BENEFICIAL WATER USE PERMIT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT http://www.dnrc.mt.gov/wrd/.

OBJECTION DEADLINE: AUGUST 21, 2020. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 2705 SPURGIN RD, BLDG C, PO BOX 5004, MISSOULA, MT 59804-5004, PHONE: 406-721-4284, FAX: 406-542-5899.

IF ISSUED, THE RIGHT WILL BE SUBJECT TO PRIOR EXISTING WATER RIGHTS.

Application Number: 76H 30118748

Owners: JIM W HELMER

436 S 3RD ST W

MISSOULA, MT 59801 2520

PATRICIA L SKERGAN 436 S 3RD ST W

MISSOULA, MT 59801 2520

Priority Date: JANUARY 18, 2019 at 02:56 P.M.

Purpose (use): DOMESTIC

LAWN AND GARDEN

Maximum Flow Rate: 20.00 GPM
Maximum Volume: 2.31 AC-FT
Maximum Acres: 0.90

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

IDGovt LotQtr SecSecTwpRgeCounty1NENENE912N20WMISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31 Flow Rate: 20.00 GPM

Diversion Means: WELL

Purpose (Use): DOMESTIC

Households:

Volume: 0.78 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

 ID
 Acres
 Govt Lot
 Qtr Sec
 Sec
 Twp
 Rge
 County

 1
 NENE
 9
 12N
 20W
 MISSOULA

Purpose (Use): LAWN AND GARDEN

Volume: 1.53 AC-FT

Period of Use: APRIL 15 to OCTOBER 15

Place of Use:

 ID
 Acres
 Govt Lot
 Qtr Sec
 Sec
 Twp
 Rge
 County

 1
 0.90
 NENE
 9
 12N
 20W
 MISSOULA

Total: 0.90

Remarks:

ASSOCIATED RIGHT

THIS PROVISIONAL PERMIT IS ASSOCIATED WITH PERMIT NO 76H-30046211 AND 76H-108731 BECAUSE THEY SHARE A COMMON POINT OF DIVERSION.

CLARK FORK RIVER BASIN LAW

THIS PROVISIONAL WATER USE PERMIT HAS A PRIORITY DATE THAT IS JUNIOR TO THE RIGHTS OF SENIOR WATER RIGHT HOLDERS IN THE CLARK FORK RIVER BASIN. IN ACCORDANCE WITH MONTANA LAW, YOU MAY BE SUBJECT TO A CALL BY SENIOR WATER RIGHT HOLDERS, IN WHICH CASE YOU MAY BE REQUIRED TO DISCONTINUE YOUR USE OF WATER FOR THE PERIOD OF THE CALL.

CONFEDERATED SALISH AND KOOTENAI TRIBES - RESERVED WATER RIGHTS

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT THE EXERCISE OF JUNIOR WATER RIGHTS EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION MAY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS.

IMPORTANT INFORMATION

DIVERSION UNDER BENEFICIAL WATER USE PERMIT NO. 76H-30118748 MAY NOT COMMENCE UNTIL THE MITIGATION OR AQUIFER RECHARGE PLAN IS LEGALLY IMPLEMENTED. DIVERSION UNDER THE PERMIT MUST STOP IF THE MITIGATION OR AQUIFER RECHARGE PLAN AS HEREIN REQUIRED IN AMOUNT, LOCATION AND DURATION CEASES IN WHOLE OR IN PART.

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